

REMARKS

The ABSTRACT has been amended to reduce the word count. Applicants respectfully submit that the amendment to the ABSTRACT does not add new subject and request admittance of the amended ABSTRACT.

Claims 1 – 39 are in the application. Claims 1, 3, 17 – 19, 21, 23, 31 and 32 have been amended to more positively recite applicants' patentably novel glass compositions and automotive glazing panel. Claims 36 – 39 are withdrawn as being directed to a non-elected invention. Claims 40 – 44 have been added to set forth applicants' patentably novel glass composition in varying scope. No claims have been allowed.

Claims 1 – 39 are in the instant application and are subject to restriction. The Office Action alleges that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 35, drawn to glass composition, classified in class 501, subclass 71.
- II. Claims 36 – 39, drawn to glazing panel set, classified in class 296, subclass 84.1+.

The Office Action states that during a telephone conversation with Andrew Siminerio on April 3, 2003, a provisional election was made with traverse to prosecute the invention of Group I, claims 1 – 35. Applicants affirm the election of Group I, the election made with traverse.

Applicants respectfully traverse the restriction requirement and request reconsideration thereof. Applicants acknowledge that Group I and Group II claims are in different classes; however, applicants respectfully submit that the establishment of the class and subclass designation was made for efficient searching and not necessarily for cataloging separate and distinct inventions. Further, the limitations the Office Action attributes to the claims of Groups I and II are not limitations recited in the claims, but are limitations read into the claims.

Based on the foregoing, applicants respectfully request withdrawal of the restriction requirement and consideration of claims 36 – 39 with claims 1 – 35.

Claims 1 and 23 are objected to because of typographical errors. The Office Action notes that in line 18 of claims 1 and 23, the recited low value of the redox range is "0.15", whereas in line 19 of each claim, the recited low value of the redox range is "0.14". Applicants thank the Examiner for bringing the errors to their attention. Line 19 of claims 1 and 23 is amended by deleting "0.14" and inserting "0.15". Applicants respectfully submit that this amendment to claims 1 and 23 does not add new subject matter and request admission of the amendment to claims 1 and 23 and withdrawal of the objection to claims 1 and 23.

Claims 1, 17 - 19, 21, 23, 31 and 32 are rejected under 35 U.S.C. 112, second paragraph. The Office Action alleges that in claims 1, 17 - 19, 23 and 31 it is unclear whether the thickness modifies all the properties of the claim or only the property preceding the thickness. Further the Office Action alleges that in claims 21 and 32 recitation of the limitation "the float process" in line 1 has insufficient antecedent basis.

Applicants respectfully traverse the rejection of claims 1, 17 - 19, 21, 23, 31 and 32 under 35 U.S.C. 112, second paragraph; however, to eliminate this issue, the following action has been taken. Claims 1, 17 - 19, 23 and 31 have been amended by inserting "at a thickness of 0.160 inches" or "at a thickness of 0.154 inches" before the properties. Claims 21 and 32 are each amended to recite, among other things, that the glass is formed by a "float process".

Support for the amendments to claims 1, 17 - 19, 21, 23, 31 and 32 is found, among other places, in the original claims. Based on the foregoing, applicants respectfully request admittance of the amendments to, and consideration of, amended claims 1, 17 - 19, 21, 23, 31 and 32. Applicants respectfully submit that amended claims 1, 17 - 19, 21, 23, 31 and 32 meet the requirements of 35 U.S.C. 112, second paragraph, and respectfully request withdrawal of the rejection of claims 1, 17 - 19, 21, 23, 31 and 32 under 35 U.S.C. 112, second paragraph.

Claims 1 - 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Higby, U.S. Patent No. 5,780,372 (hereinafter also referred to

as "Higby". Applicants respectfully traverse the rejection of claims 1 – 35 under 35 U.S.C. 102(e) as being anticipated by Higby and request reconsideration thereof.

Claims 2 – 22 are either directly or indirectly dependent on claim 1; claims 24 – 33 are either directly or indirectly dependent on claim 23, and claim 35 is dependent on claim 34. Claims 1, 17 – 19, 21, 23, 31 and 32 were discussed above. Claim 3 is amended to correct a grammatical error. Applicants respectfully submit that the amendment to claim 3 does not add new subject matter and request admission and consideration of amended claim 3.

Claims 1, 23 and 34 recite, among other things, in one form or another that the colorant portion includes selenium in amounts up to 15 PPM. Higby on the other hand states in column 4, lines 49 – 50, that the glass is essentially free of colorants other than iron, titanium dioxide, and optionally cobalt oxide. Because Higby excludes selenium as a colorant and applicants' claims recite selenium as a colorant, Higby cannot anticipate applicants' claimed blue glass.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 1 – 35 under 35 U.S.C. 102(e) as being anticipated by Higby.

Claims 1 – 17, 19 – 29 and 31 – 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Casariego et al., U.S. Patent No. 5,582,455 (hereinafter also referred to as "Casariego"). Applicants respectfully traverse the rejection of claims 1 – 17, 19 – 29 and 31 – 35 under 35 U.S.C. 102(b) as being anticipated by Casariego and request reconsideration thereof.

Claims 1 – 17, 19 – 29 and 31 – 35 were discussed above.

Casariego in their patent discuss colored glass for glazing panes. The glasses according to Casariego have gray tints and more or less neutral colorations, which may vary from the blue/green to the green/yellow passing through all the intermediate hues, corresponding to dominant wavelengths under illuminant C extending from 490 to 560 nm (column 2, lines 33 – 37). Glasses that have selenium are considered by Casariego to

be gray glasses (column 2, line 53, to column 3, line 6). Applicants claimed glasses on the other hand are blue colored glasses. The Table of Casariego provides examples of glass compositions. Examples 1, 3, 4, 6, 7, 9, 11 and 13 do not anticipate, among other claims, claims 1, 12, 13, 17, 23, 24 and 34 because the dominant wavelength of the Examples is above 495 nanometers. Examples 2, 3, 7, 8, 10, 11, 12 and 14 do not anticipate, among other claims, claims 1, 23 and 34 because there is no selenium. Example 5 does not anticipate, among other claims, claims 1 and 34. Claims 1 and 34 recite, among other things, a 35% luminous transmission at a glass thickness of 0.160 inches (4.06 millimeters); Example 5 of Casariego recites a luminous transmission of 37.8% for a glass thickness of 3.85 millimeters. As is well known in the art, increasing the glass thickness decreases the luminous transmission. It is expected that the glass of Example 5 for a thickness of 4.06 millimeters would have a luminous transmission less than 35% and would not anticipate claims 1 and 34. Example 5 of Casariego does not anticipate, among other claims, claim 23. Claim 23 recites, among other things, a total solar ultraviolet transmission of 55% or less and a total solar infrared transmittance of 35%. Example 5 does not provide the total solar ultraviolet transmission or the total solar infrared transmittance for the glass of Example 5.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 1 – 17, 19 – 29 and 31 – 35 under 35 U.S.C. 102(b) as being anticipated by Casariego.

Claims 1 – 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Boulos et al., U.S. Patent No. 5,851,940 (hereinafter also referred to as "Boulos"). Applicants respectfully traverse the rejection of claims 1 – 35 under 35 U.S.C. 102(e) as being anticipated by Boulos and request reconsideration thereof.

Claims 1 – 35 were discussed above.

Boulos does not anticipate claims 1 – 35 because, among other things, independent claims 1, 23 and 34 each recite, among other things, selenium as a colorant whereas Boulos teaches away from using selenium as

a colorant, e.g. see column 1, lines 26 –30; column 2, lines 40 – 44; column 4, lines 35 - 41.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 1 – 35 under 35 U.S.C. 102(e) as being anticipated by Boulos.

Claims 1 – 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Graber et al., U.S. Patent No. 5,994,249 (hereinafter also referred to as "Graber"). Applicants respectfully traverse the rejection of claims 1 – 33 under 35 U.S.C. 102(e) as being anticipated by Graber and request reconsideration thereof.

Claims 1 – 33 were discussed above.

Claims 1 and 23 recite, among other things, in one form or another that the colorant portion includes selenium in amounts up to 15 PPM. Graber on the other hand teaches away from using selenium as a colorant. For example in column 2, lines 30 – 35, Garber states that use of selenium as a colorant is not desirable. Further none of the examples of Garber have addition of selenium as a colorant. Because Garber excludes selenium as a colorant and applicants' claims recite, among other things, selenium as a colorant, Graber cannot anticipate applicants' claimed blue glass.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 1 – 33 under 35 U.S.C. 102(e) as being anticipated by Garber and respectfully request allowance of claims 1 – 35.

Applicants have added claims 40 – 44 either directly or indirectly dependent on claim 1. Support for claims 40 – 44 is found, among other places, on page 10, line 14, to page 11, line 3, and in the Tables. The arguments put forth to patentably distinguish claim 1 over the art are applicable, among others, to patentably distinguish claims 40 – 44 over similar art.

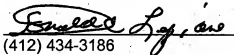
Based on the foregoing, applicants respectfully request admittance, consideration, and allowance of claims 40 – 44.

This amendment represents a sincere effort to place the application in condition for allowance. In the event issues remain, the

Examiner is invited to call the undersigned to discuss those issues
before further action is taken on the case.

Respectfully submitted,

DONALD C. LEPIANE
Registration No. 25,996
Attorney of Record


(412) 434-3186

Pittsburgh, Pennsylvania
July 8, 2003